


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 APR 28 PM 1:35

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
WESTERN DIVISION, MEMPHIS

VICKIE HAMILTON,

Plaintiff,

v.

No. 05-2004-B/V

BONNIE KLEIN-HAMMERS
d/b/a ANSWERING MEMPHIS,

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On January 3, 2005, the pro se Plaintiff, Vickie Hamilton, filed a complaint against the Defendant, Bonnie Klein-Hammers, d/b/a Answering Memphis. The Court entered an order on April 12, 2005, permitting her to proceed in forma pauperis and ordered service of process to be issued as to the Defendant. On April 27, 2005 Plaintiff filed a Motion to Dismiss in which she stated, "Plaintiff has not been able to retain an attorney and does not wish to proceed without legal representation." The Court construes this document as a notice of voluntary dismissal without prejudice under Rule 41(a)(1), Federal Rules of Civil Procedure. That Rule permits that an action may be dismissed by the Plaintiff without order of court

by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, which ever first occurs...

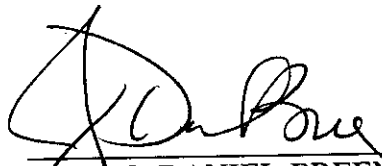
Inasmuch as the Defendant has apparently not been served or at least has not filed an answer, Plaintiff's motion to dismiss will be granted.

Accordingly, based on the foregoing, Plaintiff's Motion to Dismiss is hereby GRANTED and this matter is hereby DISMISSED WITHOUT PREJUDICE.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 4-29-05

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IT IS SO ORDERED this 28th day of April, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02004 was distributed by fax, mail, or direct printing on April 29, 2005 to the parties listed.

Vickie R. Hamilton
5056 Wilburn Avenue
Memphis, TN 38117

Honorable J. Breen
US DISTRICT COURT